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7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 DONALD HENDERSON,

15 Defendant.
16

Case No. 1:24-cr-00262-KES-BAM

MOTION TO AMEND PRESENTENCE
INVESTIGATION REPORT (FINAL); ORDER

17 The final Presentence Investigation Report (PSR) was filed in this matter on August 18,
18 2025. [ECF 28]. On August 25, 2025, Mr. Henderson filed his formal objections to the PSR.
19 [ECF 29]. Included therein was an objection to the addition of four levels under §
20 2K2.1(b)(4)(B)(ii) of the advisory United States Sentencing Guidelines, listed in paragraph 21 of
21 the final PSR. [*Id.* at 1-2].

22 At sentencing on September 8, 2025, the Court sustained the objection to paragraph 21
23 insofar as it added an additional four levels under the U.S. Sentencing Guidelines § §
24 2K2.1(b)(4)(B)(ii). As a result, it is necessary to amend a number of paragraphs in the final PSR
25 to reflect the sustained objection to paragraph 21 of the final PSR.

26 It is necessary to amend paragraph 21 to remove any addition of levels for Specific
27 Offense Characteristics.

28 It is necessary to correct paragraph 25, which lists the adjusted offense level as 26; the

1 adjusted offense level found by the Court at sentencing is 22.

2 It is necessary to correct paragraph 29, which lists the total offense level as 23; the total
3 offense level found by the Court at sentencing is 19.

4 It is necessary to correct paragraph 89, which lists the Guidelines Provisions as having a
5 total offense level of 23 and a guideline imprisonment range of 92 to 115 months. The correct
6 total offense level is 19 and the corresponding guidelines imprisonment range is 63-78 months.

7 It is also necessary to correct the Total Offense Level listed on page 1 of Document 28-1,
8 which lists the total offense level as 23; the correct total offense level is 19.

9 On that same page, it is necessary to amend the Guidelines Provisions section. This
10 section should state that the total offense level is 19 and the guideline imprisonment range is 63-
11 78 months. It should also be amended to reflect that probation's low-end of the guideline /
12 recommendation for imprisonment as a term of 63 months, rather than 92.

13 Finally, on page 2 of Document 28-1, the two references to the low-end recommendation
14 of probation being 92 months should be amended to 63 months.

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16 Respectfully submitted,

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18 HEATHER E. WILLIAMS
Federal Defender

19 Date: September 15, 2025

20 /s/ Kara R. Ottervanger
KARA R. OTTERVANGER
Assistant Federal Defender
Attorney for Defendant

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22 DONALD HENDERSON
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ORDER

IT IS HEREBY ORDERED that the final Presentence Investigation Report filed on August 18, 2025, be modified in accordance with the above.

One additional correction should also be made: paragraph 98 (incorrectly listed above as 89), should be corrected to list the total offense level as 19 and the corresponding guidelines imprisonment range as 63-78 months.

IT IS SO ORDERED.

Dated: September 15, 2025



UNITED STATES DISTRICT JUDGE